

Instructions for completing a water conservancy board report of examination

IMPORTANT NOTE: These instructions are provided as a guide to water conservancy boards when writing a report of examination regarding a water right change application. *"It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination."* [WAC 173-153-130(5)] It is also the responsibility of the board to ensure that the final report complies with the minimum requirements as provided in the Water Conservancy Board rule, WAC 173-153-130(6).

INTRODUCTION

There are two distinct sections within the report of examination (ROE) form.

1. **Front page** – All information found on page 1 including the demographic and application identification information, "Background and Decision Summary", "Description of proposed work", and "Development Schedule". *Each separate decision requires a unique and separate record of decision (ROD form) and report of examination front page form.*
2. **Report** (narrative) – All information found under the section "Report."

FRONT PAGE

Demographic and Application Identification

1. Check a box to identify if the application is for surface water or ground water.
2. Application received – Enter the date the application was accepted by the board.
3. Water right document number – Enter the water right document number, e.g., certificate, claim, permit number, etc.
4. Water right priority date – Enter the priority date of the water right, when water was first put to use.
5. Board assigned change application number – Enter the board assigned application number as described in WAC 173-153-070(11).
6. Name, address, city, state, zip – Enter the name and address of applicant.
7. Changes proposed – Check all box (es) that apply to the changes proposed in the application.
8. SEPA – Check a box identifying whether the application is exempt or non-exempt from SEPA. This section relates to the application only. How SEPA relates to the *project* will be addressed in the narrative report section.

Background and Decision Summary

1. Existing right (tentative determination) – Complete these boxes based on what is actually being used *right now*. Make a tentative determination as to the validity and extent of the right as it is currently being beneficially used.
2. Proposed use – Complete these boxes with the exact information as it is written on the application.
3. Board's decision – Complete these boxes based on the board's final decision. The board should determine what exactly is available for transfer including the instantaneous and annual quantities, place of use, point of diversion or withdrawal, and purpose of use and season of use.

Description of Proposed Works

Describe the water system the applicant intends to use with the proposed change such as irrigation system, pump type, etc.

Development Schedule

1. Begin project by this date – Identify the date when the applicant may begin the project. The board must consider that the applicant cannot begin until a final decision is made by Ecology. Potentially, this could be a minimum of 45 days or 75 days. It is recommended that the board also consider the 30 day appeal period when determining the beginning construction date. [WAC 173-153-130(8)]
2. Complete project by this date – Identify the date when the project and works must be completed.
3. Complete change and put water to full beneficial use by this date – Identify the date when the applicant must complete the change and put all water to beneficial use as approved in the change application.

REPORT (NARRATIVE)

Writing a report of examination for more than one water right application

It is important that each water right file is able to stand alone. Each separate decision requires a unique and separate record of decision (ROD form) and report of examination front page form.

However, when writing an ROE for more than one related water right change, the narrative "Report" section of the ROE, including background, comments/protests, investigation, conclusions, and decision, may summarize all the related rights in one report. The narrative can then be copied to accompany the related form. But, there cannot be just one document for all the applications; each file is required to have a separate document.

Refer to WAC 173-153-130

The Water Conservancy Board rule is clear regarding the minimum information required when writing a report of examination. The information requested on the form are copied from the rule verbatim. *More information may be necessary than what is required in the rule and the need must be determined by the board on a case-by-case basis.* WAC 173-153-130(5) states, “It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [Emphasis added]

1. WAC 173-153-130 (6) requires the report of examination to consist of a form provided by Ecology and identified as Water Conservancy Board Report of Examination, form number 040-106, documenting and summarizing the basic facts associated with the decision.
2. Describe all information as required in each narrative section on the report of examination form as follows:
 - a. **Background** – Complete the background section as described on the form and also include any other information pertinent to the application.
 - b. **Comments and protests** – Complete the comments and protests section as described on the form and also include any other information pertinent to the application.
 - c. **Investigation** – Complete the investigation section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as:
 - i. The applicant's ownership interest in the water right, if multiple owners, describe how right is apportioned;
 - ii. The information the board used to quantify beneficial use under the right, including meter records, power data, aerial photos, crop type, crop irrigation requirement and efficiency estimates, declarations, etc;
 - iii. For claims, discuss historic beneficial use and when the beneficial uses were perfected;
 - iv. For permits, discuss the current development schedule and whether the water right is in good standing;
 - v. If a portion of the right is proposed for change, a tentative determination must be completed for the entire water right. The portion being changed should be described on the front sheet of the ROE;
 - vi. For changes where additional acres or new purposes of use are being added, calculate the annual consumptive quantity. Describe the years used to determine the ACQ and the source of the data;
 - vii. Water rights in the vicinity that may be impaired by the proposed transfer, including an evaluation of impacts on the closest/relevant water rights;

- viii. If groundwater rights have the potential to be impaired by the proposed transfer, reference and attach appropriate well logs;
 - ix. For surface to ground transfers, discuss continuity between sources.
- d. **Conclusions** – Complete the conclusions section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as:
- For surface to ground transfers where the surface sources was not always available (e.g. some tributary streams), discuss the potential for enlargement of the right.
- e. **Decision** – Complete the decision section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as:
- When only a portion of the right is changed, include a description of how superseding documents should issue to each owner including the characteristics of each right, e.g. place, purpose, quantities.
- f. **Provisions** – Complete the provisions section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as measurement/metering, screening, etc.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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